IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY

NOTICE OF MOTION NO.21 OF 2007
IN
PETITION NO.72 OF 1983

Re: Anilkumar Mohanlal Jani
(since deceased) of M/s.Jani Bros...Insolvent

Exparte

Dilipkumar J. Shah .. Petg. Creditor.

And

Shree Mahavira Jaina Vidyalaya .. Applicant.

Mr.Dhanesh R. Shah for the applicant.

Mr.Y.C. Parikh, O.A. present.

CORAM : ANOOP V. MOHTA,J.

DATED : 3rd April, 2007

P.C.

Heard parties. This notice of motion has been taken out by the applicant as the earlier notice of motion which was allowed need more clarification and more details in the prayer clauses.

2. After considering the averments made in this notice of motion, I am inclined to grant this notice of motion in terms of prayer clause (a) as prayed. However this will be subject to the objection and/or appropriate pleas if raised by the insolvent in the proceedings.

3. Accordingly, notice of motion is made absolute in

terms of prayer (a) which reads thus:

> (a) that this Honourable Court be pleased to grant liberty to the applicants to adopt appropriate legal proceedings in the Court of Small Causes at Mumbai, and/or in any other Court against the Official Assignee as representing the Insolvent Tenant M/s.Jani Brothers and/or their proprietors/ partners joining/bringing on record the present occupant M/s.Ajanta Commercial Company, represented by Mr.Bhupendra Mehta to recover possession of the premises bearing No.SCI/FF/57, 1st floor, Devkaran Mansion Building No.1, Shamaldas Gandhi Marg, Mumbai 400 002, on the grounds as may be available to the applicants and also for recovering arrears of rent and all other dues and for incidental reliefs.

4. The applicant to file affidavit of service.

[ANOOP V. MOHTA,J.]